

17 September 1974

Lieutenant General Brent Scowcroft, USAF  
Deputy Assistant to the President for  
National Security Affairs  
The White House  
Washington, D. C.

Dear Brent:

I asked some of our people to document the President's press conference remarks about the Allende Government's pressures against the democratic forces there. The attached is perhaps more than necessary, but it might be useful to you if any further debate develops on this subject.

Sincerely,

W. E. Colby  
Director

Attachment

WEC [Attachment prepared by WH Division]

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1 - DCF [unclear]

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MEMORANDUM

SUBJECT: Allende's Threat to Chilean Liberties

1. Salvador Allende and his UP government never represented an absolute majority of Chilean voters. The following are the percentages of votes obtained in national elections:

September 1970 (presidential)	36.50%
April 1971 (Municipal)	49.23%
March 1973 (Parliamentary)	43.98%

2. Allende was a different, and to some, even a benign, type of revolutionary. He was not inflexible, like many other self-declared Marxist-Leninists. He viewed himself as the man who would do what Castro failed in doing: displace American hegemony in Latin America. His tactic centered on using constitutional tools to fashion "a socialist revolution which is irreversible." But while he and Castro chose to follow different roads in pursuing their revolution, they had a common objective. As Allende put it in his 1970 presidential campaign "Cuba in the Caribbean and a Socialist Chile in the Southern Cone will make the revolution in Latin America."

3. Allende's closest collaborators were not the leadership of his own Socialist Party but those of the Communist Party, who were more disciplined, unified and capable. Communists were largely responsible for running the economic program of the Allende government, and they counted heavily on Soviet support. The 1,200-odd Soviets in Chile were not concerned exclusively with importing tractors. As of March 1972 Soviet Bloc credits of some \$200 million dollars had been extended to Chile, and the Soviets were dangling an offer of \$300 million to the Chilean military for the purchase of military equipment.

4. The Soviets, however, left to the Cubans most of the revolutionary guidance and support provided to the Allende government. Politics aside, Allende was a close friend of Castro, and one of Allende's daughters married Luis Fernandez de Oña, a senior DGI officer assigned to Chile. After Allende's inauguration the official Cuban presence grew from zero to 54, almost one-third of whom belonged to the DGI and the so-called Directorate of Liberation, which is responsible to Castro for exporting the Cuban revolution. Chile became the Latin American Mecca for the extreme left, particularly exiles, whose number is estimated to have been between 10 and 15 thousand. The Cubans in Chile were free to arrange false documentation and transportation, and also conducted training programs for them

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Denied in Full

JOINT DECLARATION OF THE SENATE'S PRESIDENT, MR. EDUARDO FREI, AND OF THE PRESIDENT OF THE CHAMBER OF DEPUTIES, MR. LUIS PARETO, ON THE 8th OF JULY OF 1973:

No Chilean man or woman throughout the territory of the Republic ignores that the country is in an extremely serious situation.

Under these circumstances, as Presidents of the Senate and of the Chamber of Deputies and as representatives of the majorities of both branches of Congress, we think it is our duty to express our opinion to the nation.

It is a known fact that Chile undergoes at the present moment one of the worst political, economic, social and moral crisis that its history has known.

A minority has wanted to impose an ideological and programmed scheme that the nation's majority rejects.

The consequences are clear. Inflation that has reached a point of intolerable limits, a dramatic devaluation of money value, lack of essential products, black market, destruction of the productive apparatus, lack of investment, discouragement and demoralization labour in all spheres of national activity.

All this produces a deep animosity that increases and spreads to all social groups and is the main cause of the depression which many Chileans have undertaken.

On the other hand, the country is constantly losing a considerable part of its human values. Professionals, technicians and specialized labourers find themselves forced to seek new horizons and jobs in other countries than their own. Since they cannot find them here, they go away all the time, leaving a void in the process of development and science which defines the country.

Persons not belonging to Government sectors are systematically insulted.

Purposeful contempt is shown with bold and insolent language against other public powers, such as the Magistrature, Comptroller's Office and the National Congress.

Neither the laws nor institutions are respected and have been mocked openly.

This process has become more acute during the last few days.

Because of an irresponsible action which was curbed by the Armed Forces themselves, and in which none of the democratic sectors had, of course, any participation, an occupation of factories and landed property has been ordered, there has been a reinforcement of the industrial belts (political, leftist extremists and armed organizations within industries) with which it was thought to lay siege to the city, and which is even more serious. It is true that arms are being given out, strategic dispositions are being adopted and indoctrinating orders are handed out as if Chile were on the verge of a civil war.

The democratic sectors which we represent are not armed.

They trust that the interior security of Chile lies in the hands of the Police and Armed Forces, according to what is prescribed by the Constitution and an unbroken tradition.

This situation is even more alarming, premisses that it is considered that the Government knows that it is in control of the destiny of the nation, and that the



country is calm and that it controls the situation.

By themselves, these events are of extreme importance, but we must indicate that the creation of a so-called Popular Power is openly talked about by the highest representatives of the Executive.

This actually implies the creation of a parallel army in which numerous foreigners are collaborating, a fact by all means intolerable.

The so-called Popular Power is not the people of Chile. It is a political group that calls itself "the people" and that intends to subdue other workers by forceful means at all costs without the least hesitation.

The President of CUT (Labour Federation), named as Labour Minister, ordered the factories and establishments occupied; authorized leaders of the Government parties and of MIR (Revolutionary Leftist Movement), whose participation is open and decisive, have openly declared their purpose and intention of imposing themselves by forceful means without any respect for institutionality, and have boldly expressed that the State of Emergency had been abolished in order to accomplish their aims.

We are not the enemies of changes necessary for our country to advance towards new ways of life and of new social and economic organizations. But we object strongly that they be done illegally and by means of violence.

Those who for months carried out a publicity campaign against the danger of civil war are those who now give out arms and are provoking an armed confrontation that menaces all Chileans.

The Government is the greatest responsible of this critical situation.

It lies in its hands and is of its responsibility to put an end to a situation whose extreme dangers are impossible to hide.

The only way to put an end to these risks now is for the Government to

decide to normalize the nation's life.

To that end, it seems fundamental to us, among other measures, that the Constitutional Reform set forth by Congress, guaranteed by a clear and precise legal opinion of the General Comptroller's Office of the Republic prior to a decision or judgement of the Constitutional Court that accepted the dissertation from Parliament should be completely carried out.

Not to do so would expressly violate the Political Constitution of the State.

It is also indispensable that the Government put an end to illegal occupations, and to armed groups which constitute a menace for the rest of the population and a parallel power to the Police and Armed Forces, that have an irrevocable duty of guaranteeing the internal security.

We do not want a hopeless conflict. We want life in this country to be normalized, the law and also the powers of state to be respected.

That is why we denounce emphatically a situation which is untenable. No people of any country can resist the tension created by the permanent insecurity of the citizens faced with the impudent action of armed groups that count with an official backing.

The Government has sufficient evidence that allows it to know where the arms are and where they have been given out.

The requisition of these armaments cannot be postponed any longer and must be controlled by the Armed Forces, and those who defy the law should be punished.

Our patriotic responsibility to keep peace in the country is what moves us to make this solemn call to the people and to history so that legality may be re-established and peace reaffirmed before it is too late.

We are only moved by the sole purpose of defending liberty, justice and peace among Chileans.

# THE BAR ASSOCIATION DECLARES THE BREAK DOWN OF THE COUNTRY'S LEGAL STRUCTURE. AUGUST 8, 1973.

The General Council of the Bar Association has unanimously agreed on addressing public opinion and, especially, all its members, in order to discharge its moral obligation to mobilize the largest possible number of citizens in view of the collapse of the rule of law and institutional organization which has been the pride of all Chileans.

In this connection, the General Council considers that it is necessary to inform the nation of its firm resolution to struggle for the following general points of view of interest to the public and Chile:

FIRST: The obvious fracturing of our legal structure can no longer be tolerated.

The non-promulgation of constitutional amendments which should have become applicable within already expired terms; the practice of appointing Cabinet Members or Provincial Governors who have been constitutionally impeached by Congress in positions of equal rank or importance; and the stated purpose of profoundly changing our social and economic regime without legal grounds through insistence, decrees or illegal resolutions of administrative authorities, implies an absolute refusal to acknowledge the authority of the Legislative Branch.

In so far as the Judicial Branch is concerned, it is frequently deprived of its fundamental power to implement its resolutions, as has already been insistently protested by the Supreme Court and its most distinguished members are constantly subjected to disturbances in order

to diminish their prestige and weaken their moral influence. Not even the Military Branch of the Judiciary appointed by law to apply the provisions of the law for controlling weapons, escapes the threats and discredit and high ranking officers of the three branches of our Armed Forces have had to comply zealously with judiciary resolutions in efforts to avoid, or at least control, the existence of civil armed groups which are openly unconstitutional.

The highest organization constitutionally empowered to exercise administrative control, the Comptroller General's Office, must suffer frequent contempt for its decisions while, on the other hand, the illegal growth of the so-called "social area" of our economy has given rise, through interventions or requisitions, to the existence of a public sector which in fact avoids supervision of the considerable human and financial resources involved.

Because of their frequency and seriousness, the facts indicated above appeal to the conscience of citizens, produce an intense anguish among largely inclined men and demand immediate and efficient measures to end the arbitrariness and institutional chaos in which Chile is living.

SECOND: The full re-establishment of the force of laws assured by the Constitution to all inhabitants of the Republic cannot be postponed, since they have been cruelly sacrificed in their various modes of expression.

The limitations unlawfully placed upon the right to assemble must be im-



mediately removed; the unlawful loss of private property must stop; the factual restrictions of the rights of citizens to move within the Republic and to abandon its territory must cease; the threats and administrative persecution of officials of the public sector or sector controlled by the State of established businessmen, farmers and other groups of citizens must cease. The right to strike to assemble (Neighborhood Committees, Unions, Cooperatives, etc.) and fundamentally the freedom of expression which appears to be threatened by fraudulent maneuvers to impose a state monopoly on newspaper, television and broadcasting, must be widely and effectively acknowledged. Finally, in view of accusations of electoral fraud based on trustworthy evidence and data, it is absolutely indispensable to complete an investigation, punish the guilty in an exemplary manner and purify the present electoral system.

**THIRD:** To ensure the full independence of the Judiciary Branch, we demand its financial autonomy in regard to salaries and promotions of its personnel, the construction of facilities (Courts and housing), appointment of lawyers to integrate Courts and the constitutional establishment of other areas of its activities and competence which must lie beyond all intervention of the Executive Branch.

It is imperative and non-negotiable to re-establish the Bureau of Investigations as a technical service in which the Courts of Justice and public opinion in general may trust. A profound reorganization of this fundamental public department is demanded as a result of torture applied to persons being held for trial, contempt for court orders, frequent abuse of lawyers during professional activities and the false, incomplete and slanted information provided in connection with trials and investigations being held or conducted, all of which makes the immediate dismissal of its General Director mandatory.

**FOURTH:** The General Council can no longer justify nor can it accept that the Executive, failing to comply with assurances granted by various Ministers of Justice, should try to sponsor but not

law which modify the essential structure of the Association without consulting with or the agreement of the Bar Association, thus flagrantly violating the principle of participation. Furthermore, in addition to this elementary lack of respect for the oldest professional Guild in Chile, it is necessary to point out the constant persecution of members of the Association who are officials and the permanent hostility shown by the Government for the work of Bar's Legal Aid Department, in order to place it under the subordination of the Ministry of Justice.

In this regard, we demand the immediate withdrawal of the bill which amends the Organic Law of the Bar Association, being considered now by the Chamber of Deputies, in order to replace it with a joint draft of an amending law, which may enjoy our cooperation and approval. The administrative persecution of lawyers working in the public sector, must cease absolutely — rehiring or reincorporating those who have already been dismissed, as is the case with various lawyers from the Central Bank — and the autonomous financing of the Legal Aid Department must be guaranteed, enabling it to progressively expand and assist in a more ample manner the poorest sectors of the population through the creation of Free Legal Aid Offices in urban settlements and in cities lacking legal assistance.

The General Council has decided to make known the preceding opinions, to address the Federation of Professional Colleges of Chile, the provincial Bar Associations and the members of the Guild in general, while stressing the need for its members to enter into a state of alert in order to adopt the necessary resolutions which may enable them to promote the attainment of the high aims mentioned above of interest to the general public and Guild members. The moral and civic imperative of ensuring the rule of law in Chile demands, at this moment, from our Guild, a consequent attitude with its best tradition, whatever sacrifices it may imply.

## EIGHTH DOCUMENT

### VEREDICT OF THE PEOPLE'S REPRESENTATIVES (CONGRESS LOWER CHAMBER)

On August 22nd, the Chamber of Deputies, recently elected by direct popular vote on March, 1973, declared the unconstitutionality of the Allende's Government, by means of the following statement, set forth in accordance with its censuring attributions.

#### Considering:

1st: That it is an essential condition for the existence of a Law-Abiding State, that the Public Powers, with full respect to the principle of mutual independence which they are guided by, adjust their actions and perform their attributions within the limits of the Constitution and the Law, and that the inhabitants of the country may enjoy the guarantees and basic rights that the Political Constitution of the State ensures them.

2nd: That the jurisdiction of the Chilean State is a patrimony of the people, which during the course of the years have moulded in it the basic necessary consensus for the welfare of the nation. To attempt against it means then to destroy not only the moral and the cultural patrimony of our nation, but also to deny, in practice, all possibility of a democratic way of life.

3rd: That these are the values and principles which are expressed in the Political Constitution of the State, in accordance with Article N° 2, which points out that the sovereignty is mainly inherent in the nation, and the authorities cannot exercise more power than the nation has given them, according to Article N° 3, from which it

is inferred that any Government which arrogates itself rights that the people have not delegated to it incurs in sedition.

4th: That the present President of the Republic was elected by the Full Congress with the previous agreement of a Statute of Democratic Guarantees incorporated to the Political Constitution, and which had the precise object of securing the Submission of the Government's actions to the principles and rules of the Law-Abiding State which he solemnly promised to respect.

5th: That it is a fact that the present Government of the Republic, from its beginning, has persisted in concentrating total power, with the clear purpose of submitting all the people to the most strict economic and police control by the State, and to obtain the implantation of a totalitarian system, completely opposite to the democratic representative system established by the Constitution.

6th: That to achieve this purpose the Government has not incurred in isolated violations of the Constitution and the Law, but it has made them a system of permanent behaviour, arriving to the extremes of police brutality and systematic acts in defiance of



the attributions of the other Powers of the State, to continually violate the guarantees that the Constitution insures to all the inhabitants of the Republic, and to allow and protect the creation of parallel powers, which are against the Law, and which constitute a danger of great consequence for the nation; all of which has destroyed the essential elements for the institutional rights and the Law-Abiding State.

7th: That, with respect to the powers of the National Congress, holders of the Legislative Power, the Government has incurred in the following abuses:

"a) It has deprived the Congress of its main function, which is that of legislation, by adopting a series of measures of great importance for the economic and social life of the country, which are undoubtedly matter of law, by means of persistent decrees abusively dictated, or by simple administrative resolutions based on "legal subterfuges", done deliberately with the purpose of changing the structures of the country, recognized by the existing law, with the mere will of the Executive ignoring the will of the legislator.

"b) It has permanently evaded the National Congress censuring functions, depriving it of all real authority to destitute the Secretaries of State who violate the Constitution or the Law, or who commit other transgressions of the Law, or abuses pointed out in the Written Constitution.

"c) And what is most serious — it has made no distinction to the high functions that Congress has, as a Constituent Power, to deny itself to promulgate the constitutional amendment about the three areas of the economy, which has been approved in strict accordance to the rules established by the Written Constitution for this purpose.

8th: Concerning to the Judicial Power, it has incurred in the following abuses:

"a) With the purpose of undermining the authority of the magistracy and of its independence, it has headed a continuing campaign of insults and attacks against the Most Excellent Court sheltering serious abuses against the persons and authority of the

"b) It has mocked the action of the cases of delinquents belonging to the judicial power and groups pertaining to or

having affinity with the Government, by means of abusive exercise of pardon non-fulfillment or by the deliberate non-fulfillment of arresting orders.

"c) It has violated laws, paying no attention to the principle of separation of the Powers, thus not applying the judicial decisions contrary to its intentions; and with regard to the denounces made in this respect by the Most Excellent Supreme Court, the President of the Republic has come to the unbelievable extreme of arrogating himself the right of making a "merits judgement" to the judicial decisions, and to determine when these must be accomplished.

9th: That, concerning to the General Comptrollership of the Republic — an autonomous organization, essential for the maintenance of the administrative law — the Government has systematically violated the judgements and actions destined to represent the illegality of the Executive's deeds and of depending entities.

10th: That among the constant Government's abuses in relation with the guarantees and the fundamental rights established by the Constitution, the following may be mentioned:

"a) It has broken the principle of equality of the law, by means of sectarian or odious discriminations, in relation with the protection that the authority must give to the people and the property of all the inhabitants of the Republic, when exercising the right appertaining to food and subsistence, remarking that the President of the Republic himself has made these discriminations become a fundamental standard of his Government, especially because he declared from the beginning, that he does not consider himself to be the President of all the Chilean people.

"b) He has seriously attempted against the liberty of expression, exercising all sorts of economic pressures against the means of communication which are anti-Government, illegally closing journals and radios, imposing illegal "climbroadcasts", unconstitutional jailing opposing journalists, resorting to cunning maneuvers in order to obtain total control of the printing paper monopoly, and openly violating legal dispositions to which the National Television is subjected to having delivered the management of same to an official who had not been

nominated with the agreement of the Senate, as the Law states, causing him to become a sectarian advertising instrument and for the defamation of political enemies;

"c) He has violated the autonomy of the University and its right, recognized by the Constitution, to establish and maintain a television channel, when he protected the usurpation of Channel 9 of the University of Chile attempting by means of violence and illegal arrests against the new Channel 6 of the same University, and in obstructing the extension to other provinces of the Catholic University of Chile's channel.

"d) He has hindered, impeded and, sometimes repressed by means of violence, the use of the right to hold meetings of the citizens who are not addicted to the régime, yet he has constantly allowed groups, usually furnished with arms, to meet with subjection to no rules, and possess themselves roads and streets, so as to frighten the population;

"e) He has attempted against the liberty of teaching, putting into practice an illegal surreptitious way, by means of the so-called Decree of the Democratization of Teaching, a plan whose final purpose consists of incorporating Marxism into education;

"f) He has systematically violated the constitutional guarantee of the right to property, allowing and protecting more than 1,500 illegal take-overs of agricultural properties, and promoting hundreds of take-overs of industrial establishments, as well as commercial ones, and then to illegally confiscate or superintend them, thus forming, by means of spoliation, the state-arc of economy, this has been one of the determining causes of the unusual drop in the production, of the lack of supplies of the black market and the asphyxiating rise of the cost of living, of the ruin of the national public treasury, and in general of the economic crisis which the country is suffering and which threatens the minimum well-being of homes, and seriously compromises the national security.

"g) He has incurred in frequent interferences on political grounds besides the ones already mentioned with respect to journalists, and has allowed that the press be subverted in many cases, as sources and sources.

"h) He has not acknowledged the rights of labourers and their syndical

organizations, as well as guilds, submitting them, as for instance in the case of "El Teniente" or of the transport people, to illegal means of repression;

"i) He has broken contracted promises which meant fair treatment to workers unfairly pursued, such as the ones of Sumar, Helvetia, Banco Central (Central Bank), El Teniente and Chuquicamata; he has arbitrarily imposed the forming state farms to the farmers, thus expressly transgressing the Law of Agrarian Reform; he has denied the right of workers to participation in accordance with the Constitutional Reform, which recognizes such a right; he has prompted the end of the liberty of syndicates by creating parallel political labourer's organizations; he has seriously broken the constitutional guarantee which allows one to get out of the country, establishing rules that are not considered in any law;

"11th: That the creation and maintenance, under the encouragement and protection of the Government of a series of organisms which are seditious because they put into practice an authority that neither the Constitution nor the Law grant them, with a clear violation of the dispositions stipulated in Clause 10, N.º 16 of the Written Constitution, as for instance the Communal Committees, the Farmer's Councils, the Vigilance Committees, the JAP (Boards of Supplies and Prices), etc., all destined to create the misnamed "Popular Power", whose goal is to substitute the legally established powers and be employed as the basis of a totalitarian dictatorship. These facts, which have been publicly recognized by the President of the Republic in his last Presidential Message and also by all the theoreticians and the official means of communication, powerfully contribute to the breaking of the Law-Abiding State.

"12th: That the breach of the Law-Abiding State is of special importance because it has allowed the formation and development under the protection of the Government, of armed groups, which besides threatening the safety of citizens and their rights, and against the internal peace of the nation, are destined to confront the Armed Forces. It is also specially serious that the Carabineers or Police Corps is not allowed to comply with their important functions in controlling mobile mobs



incited by violent groups addicted to the Government. Because of their seriousness, the public and notorious attempts to use the Armed Forces and the Carabineros Corps with partisan aims, breaking their institutional hierarchy and infiltrating their troops in a political way, cannot be kept silent.

"13th: That, when the present Cabinet was formed, with the participation of important members of the Armed Forces and of the Carabineros Corps, the President of the Republic called it "of national security", and appointed as one of its most important tasks, the one of "imposing political and economical order", which would only be possible on the basis of an entire reestablishment and the respect of constitutional rules, as well as the legal ones, which are a part of the institutional order of the Republic;

"14th: That the Armed Forces and the Carabineros Corps are, and must be, according to their constitution, a guarantee for all the Chilean people, and not only for a sector of the nation, nor for a political combination. Consequently, their presence in the Government cannot lend itself as a reason for endorsing any politician and minoritarian policies, but must also aim to reestablish the conditions for the dominion of the Constitution and laws, and a democratic way of life necessary to guarantee the institutional stability, civil peace, security, and development of Chile.

The Honourable Chamber of Deputies, putting into practice the attributions conferred to it in accordance with the Clause 59 of the Political Constitution of the State, agrees:

"FIRST: To manifest to the President of the Republic and the Secretaries of State members of the Armed Forces and the Carabineros Corps, the serious breach of the constitutional order, as well as the legal order of the Republic, which are contained in the facts and circumstances referred to in fifth to eleventh points, above;

"SECOND: To also manifest to them, that in accordance with their duties, and the oath of loyalty which they swore to the Constitution and its laws, and, in the case of certain Secretaries of State, to remind them of the nature of the Institutions of which they are important members, and in whose name they were incorporated into the Cabinet, that it is up to them to end immediately all the above mentioned circumstances, which break the Constitution and its laws, so as to direct the Government to respect the laws and to assure the constitutional order of our country, and the essential basis for a democratic life among the Chilean people;

"THIRD: Declares that, if this were done, the presence of such Secretaries of State in the Government would mean a valuable service to the Republic. Otherwise, it would seriously harm the national and professional nature of the Armed Forces and the Carabineros Corps, openly transgressing Clause 22 of the Political Constitution, and be a serious damage to their institutional reputation and

"FOURTH: To transmit this agreement to the President of the Republic and to the Secretaries of State (Secretary of Finance, of National Defense, of Public Works and Transportation, and Land and Colonization).